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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,248	11/30/2000	Hugo Delchini	26024-00011	2502

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EXAMINER

PHAM, THOMAS K

ART UNIT	PAPER NUMBER
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2121

DATE MAILED: 05/03/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

SR

Office Action Summary

Application No.

09/728,248

Applicant(s)

DELCHINI, HUGO

Examiner

Thomas K Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☒ Claim(s) 4 and 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Objections

1. Claim 4 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4 can not depend on another multiple dependent claim 3. See MPEP § 608.01(n). Accordingly, the claim 4 not been further treated on the merits.
2. Claim 5 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 5 can not depend on other multiple dependent claims 3 and 4. See MPEP § 608.01(n). Accordingly, the claim 5 not been further treated on the merits.

First Action on the Merits

3. Claims 1-3 of U.S. Application 09/728,248 filed on 11/30/2000 are presented for examination.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables

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having more than 50 pages of text are permitted to be submitted on compact discs.) or

REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a).

"Microfiche Appendices" were accepted by the Office until March 1, 2001.)

(e) BACKGROUND OF THE INVENTION.

(1) Field of the Invention.

(2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.

(f) BRIEF SUMMARY OF THE INVENTION.

(g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).

(h) DETAILED DESCRIPTION OF THE INVENTION.

(i) CLAIM OR CLAIMS (commencing on a separate sheet).

(j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

(k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Quotations of U.S. Code Title 35

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 103

6. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,361,366 ("Kawano") in view of U.S. Patent No. 4,315,311 ("Causse").

Regarding claim 1

Kawano teaches a computer farm, comprising a bus on which is simulated a local area network between several processor cards mounted on the bus (col. 4 lines 18-24, "a computer system ... via a serial transmission medium"), wherein: each card comprises, on the one hand, stored in a nonvolatile memory (col. 7 lines 54-60, "there is shown an internal ... in the conventional computer"), at least part of the functionalities required for simulating the local area network on the card and performs a given calculation so as to provide a result (col. 7 lines 19-25, "this transfer control ... corresponds to a LAN adapter") but does not teach a test function which implements, upon execution thereof, and, on the other hand, a module for executing the test function, which continuously scans a predefined parameter memory area of the card and, when it detects a value written to the parameter memory area, triggers execution of the test function with said value as parameter, the farm comprises a test means which periodically executes the following operations: writing, to the parameter memory area of each of the processor cards, of a value (P) specific to each processor card and to each write, by a bus write cycle which is independent of the operation of the simulated network, execution of the same calculation as the test function, taking said value as parameter, so as to obtain a reference result, retrieval of the result of the calculation performed by the test function of the processor card, comparison with the reference result, should there be a difference between the two results, triggering of a processor card retrofit action. However, Causse teaches a test function which implements, upon

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execution thereof (col. 3 lines 34-38, "FIG. 1 incorporates ... checking circuits CU₁, CU₂, CU₃, CU_i, respectively") and, on the other hand, a module for executing the test function, which continuously scans a predefined parameter memory area of the card and, when it detects a value written to the parameter memory area, triggers execution of the test function with said value as parameter (col. 6 lines 58-68 and , the farm comprises a test means which periodically executes the following operations: writing, to the parameter memory area of each of the processor cards, of a value specific to each processor card and to each write, by a bus write cycle which is independent of the operation of the simulated network (col. 6 lines 32-57, "As a result of an error ... diagnosis program"), execution of the same calculation as the test function, taking said value as parameter, so as to obtain a reference result (col. 5 line 57 to col. 6 line 3, "the diagnosis system ... execution recorded in memory OR"), retrieval of the result of the calculation performed by the test function of the processor card, comparison with the reference result, should there be a difference between the two results, triggering of a processor card retrofit action (col. 4 line 63 to col. 5 line 11, "The checking circuits ... wrong information to be located"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the diagnosis system of Causse with the LAN simulation of processors of Kawano because it would provide for performing a rapid, accurate and reliable diagnosis at any time when the processing system is being initialized and while it is operating.

Regarding claim 2

Causse teaches the value written to the parameter memory area depends in particular on the location of the card on the bus (col. 6 lines 4-12, "Checking circuits ... and diagnosis carried out").

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Regarding claim 3

Causse teaches the retrofitting of the card consists in its reinitialization (col. 3 lines 51-67, "a processing system is initialized ... system in a reliable condition").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (703) 305-7587 and fax number is (703) 746-8874, Monday-Thursday and every other Friday from 7:30AM- 5:00PM EST or contact Supervisor *Mr. Anthony Knight* at (703) 308-3179.

Any response to this office action should be mailed to: **Director of Patents and Trademarks Washington, D.C. 20231**, or **Hand-delivered** responses should be brought to **Crystal Park II, 2121 Crystal Drive Arlington, Virginia, (Receptionist located on the 4th floor)**, or fax to the **official fax number (703) 872- 9306**.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thomas Pham
Patent Examiner

TP

April 30, 2004



Anthony Knight
Supervisory Patent Examiner
Group 3600